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JFW



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	T. Rana et al.	Examiner:	J. S. Parkin, Ph.D.
Application No.:	09/889,982	Group Art Unit:	1648
Confirmation No.:	4387	Docket:	1368-17 PCT/US
Filed:	January 14, 2002	Dated:	July 26, 2004

For: TAT-DERIVED OLIGOUREA AND  
ITS METHOD OF PRODUCTION  
AND USE IN HIGH-AFFINITY AND  
SPECIFIC BINDING OF HIV-1 TAR RNA

I hereby certify this correspondence is being deposited with  
United States Postal Service as first class mail, postpaid in  
an envelope, addressed to: Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: July 26, 2004

Signature: Barbara Thomas

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW JUNE 29, 2004 HOLDING OF ABANDONMENT

Sir:

In response to the Notice of Abandonment (hereinafter, "Notice") mailed on June 29, 2004, applicants hereby petition to withdraw the holding of abandonment.

Applicants point out that the Notice was sent to the previous attorney of record. However, applicants contend that the attorneys of Hoffmann & Baron LLP are the proper attorneys of record, and that Hoffman & Baron LLP is the proper recipient of correspondence for the instant application.

To this effect, applicants submitted on May 5, 2004 a "Change of Correspondence Address Application," a Statement Under 3.73(b), and a "New Power of Attorney and

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Attorney and Revocation of Prior Powers of Attorney” to the Patent and Trademark Office. Enclosed herein as **Exhibit 1** are copies of these documents. Included is a copy of the corresponding postcard, stamped by the Patent and Trademark Office, indicating receipt of these documents thereby. Applicants respectfully request that the new power of attorney and correspondence address accordingly be recognized.

In the Notice, the Examiner indicated that the application is abandoned in view of applicants’ alleged “failure to timely file a proper reply to the Office letter mailed on 14 November, 2003.” More particularly, it was noted that “no reply has been received.” A response to the November 14, 2003 Office was due February 14, 2004. Because February 14, 2004 fell on a Saturday, and Monday, February 16, 2004 was a Federal Holiday, a response was due Tuesday, February 17, 2004.

In response, applicants note that an “Amendment in Response to November 14, 2003 Office Action,” (hereinafter “Amendment”) was timely sent with an executed Certificate of Mailing by first class mail on February 17, 2004. Applicants respectfully request that the Amendment be considered timely filed under 37 C.F.R. §1.8(b), and that the holding of abandonment be accordingly withdrawn.

Applicants submit this petition promptly after becoming aware that the Patent and Trademark Office has no evidence of receipt of the above-described Amendment.

Enclosed herein as **Exhibit 2** is a copy of the Amendment and accompanying documents. Among the accompanying documents is a copy of the postcard sent with the Amendment to the Patent and Trademark Office. A Certificate of Mailing executed on February 17, 2004 is contained on page 1 of the Amendment.

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Enclosed herein as **Exhibit 3** is a statement that attests on personal knowledge to the timely mailing of the Amendment.

Applicants have further submitted as **Exhibit 4** a copy of a page from the firm's Patent and Trademark Office submission log, in which items mailed to the Patent and Trademark Office are listed. Highlighted at the bottom of the page is the entry corresponding to the Amendment. From left to right: 1) "2/17/04" indicates the date on which the Amendment was mailed; 2) "1368-17-PCT/US Amendment" indicates that the Amendment is being sent in connection with the docket number assigned for the instant application; 3) "CM" indicates that a certificate of mailing accompanied the Amendment; and 4) "BJT" and "JXH" indicates that this entry was memorialized with the signed initials of, respectively, the signator of the Certificate of Mailing, and the attorney handling the matter.

In view of these remarks, applicants respectfully request that the Amendment be considered timely filed, and that the holding of abandonment be withdrawn.

No fee is necessary in connection with the filing of this petition. However, if any such fee is deemed necessary, authorization is hereby given to charge the amount of such fee to Deposit Account No. 08-2461.

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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. X. Haberman", followed by a long horizontal line extending to the right.

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